

**SIKKIM**



**GOVERNMENT**

**GAZETTE**

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**No. 228**

**GOVERNMENT OF SIKKIM  
LAW DEPARTMENT  
GANGTOK**

**No. 10/LD/2020**

**Dated: 07.10.2020**

**NOTIFICATION**

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 21<sup>st</sup> day of September, 2020 is hereby published for general information :-

**THE SIKKIM GOODS AND SERVICES TAX  
(AMENDMENT) ACT, 2020  
(ACT NO. 10 OF 2020)**

**AN**

**ACT**

further to amend the Sikkim Goods and Services Tax Act, 2017.

*Be* it enacted by the Legislature of Sikkim in the Seventy-first Year of the Republic of India as follows, namely :-

- Short title and commencement**    1- (1) This Act may be called Sikkim Goods and Services Tax (Amendment) Act, 2020.
- (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.
- Amendment of section 2.**    2- In section 2 of the Sikkim Goods and Services Tax Act, 2017 (Act No. 9 of 2017), (hereinafter referred to as the principal Act), for the existing sub-clause (c) and (d) of clause (114) the following shall be substituted, namely:—
- “(c) Dadra and Nagar Haveli and Daman and Diu;
- (d) Ladakh ;”

- Amendment of section 10.** 3.- In section 10 of the principal Act,- in sub-section (2),
- (i) in clause (b), after the words "of goods" and before the words "which are", the words "or services" shall be inserted;
  - (ii) in clause (c), after the words "of goods" appearing in the last line, the words "or services" shall be inserted; and
  - (iii) in clause (d), after the words "of goods" and before the words "through an", the words "or services" shall be inserted.
- Amendment of section 16.** 4.- In section 16 of the principal Act, the words "invoice relating to such" shall be omitted.
- Amendment of section 29.** 5.- In sub-section (1) of section 29 of the principal Act, in sub section (1) for the existing clause (c), the following shall be substituted, namely:-
- "(c) the taxable person is no longer liable to be registered under section 22 or section 24 or intends to opt out of the registration voluntarily made under sub-section (3) of section 25:".
- Amendment of section 30.** 6.- In section 30 of the principal Act, in sub section (1) for the existing proviso, the following new proviso shall be substituted, namely:-
- "Provided that such period may, on sufficient cause being shown, and for reasons to be recorded in writing, be extended,-
- (a) by the Additional Commissioner or the Joint Commissioner, as the case may be, for a period not exceeding 30 (thirty) days;
  - (b) by the Commissioner, for a further period not exceeding 30 (thirty) days, beyond the period specified in clause (a)."
- Amendment of section 31.** 7.- In section 31 of the principal Act, in sub-section (2) for the existing proviso the following shall be substituted, namely:-
- "Provided that the Government may, on the recommendations of the Council, by notification,—
- (a) specify the categories of services or supplies in respect of which a tax invoice shall be issued, within such time and in such manner as may be prescribed;
  - (b) subject to the condition mentioned therein, specify the categories of services in respect of which,—
    - (i) any other document issued in relation to the supply shall be deemed to be a tax invoice; or
    - (ii) Tax invoice may not be issued."
- Amendment of section 51.** 8.- In section 51 of the principal Act,—
- (a) for the existing sub-section (3), the following shall be substituted, namely:-
- "(3) A certificate of tax deduction at source shall be issued in such form and in such manner as may be prescribed."; and

(b) the existing sub-section (4) shall be omitted.

**Amendment of section 122.**

9.- In section 122 of the principal Act, in sub-section(1) after the clause (i) the following new clause shall be inserted, namely:-

“(i a) Any person who retains the benefit of a transaction covered under clauses (i), (ii), (vii) or clause (ix) of sub-section (1) and at whose instance such transaction is conducted, shall be liable to a penalty of an amount equivalent to the tax evaded or input tax credit availed of or passed on.”

**Amendment of section 132.**

10.- In section 132 of the principal Act, in sub section 1(5/e)-

(i) for the words “Whoever commits any of the following offences”, the words “Whoever commits, or causes to commit and retain the benefits arising out of, any of the following offences” shall be substituted;

(ii) for the existing clause (c), the following new clause shall be substituted, namely:-

“(c) avails input tax credit using the invoice or bill referred to in clause (b) or fraudulently avails input tax credit without any invoice or bill;” and

(iii) in sub-clause (e), the words, “fraudulently avails input tax credit” shall be omitted.

**Amendment of section 140.**

11.- In section 140 of the principal Act,

(a) in sub-section (1), after the words “existing law” and before the words “in such manner”, the words “within such time and” shall be inserted.

(b) in sub-section (2), after the words “appointed day” and before the words “in such manner”, the words “within such time and” shall be inserted.

(c) in sub-section (3), for the words “goods held in stock on the appointed day” the words “goods held in stock on the appointed day, within such time and in such manner as may be prescribed” shall be substituted ;

(d) in sub-section (5), after the words “existing law”, and before the words “subject to” the words “within such time and in such manner as may be prescribed” shall be inserted :

(e) in sub-section (6), for the words “goods held in stock on the appointed day subject to”, the words “goods held in stock on the appointed day, within such time and in such manner as may be prescribed, subject to” shall be substituted ;

- Insertion of new section 168A,**
- Power of the Government to extend time limit in special circumstances.**
12. In the principal Act, after Section 168 the following new section shall be inserted, namely:-
- ‘168A. (1) “Notwithstanding anything contained in this Act, the State Government may, on the recommendations of the Council, by notification, extend the time limit specified in, or prescribed or notified under, this Act in respect of actions which cannot be completed or complied with due to *force majeure*.
- (2) The power to issue notification under sub-section (1) shall include the power to give retrospective effect to such notification from a date not earlier than the date of commencement of this Act.
- Explanation.**— For the purposes of this section, the expression “*force majeure*” means a case of war, epidemic, flood, drought, fire, cyclone, earthquake or any other calamity caused by nature or otherwise affecting the implementation of any of the provisions of this Act”.
- Amendment of section 172.**
13. In section 172 of the principal Act, in the sub-section (1) in the proviso for the existing words “three years”, the figure bracket and words “(5) five years” shall be substituted.
- Amendment of Schedule II.**
- 14.- In Schedule II of the principal Act, in clause 4, in sub-clause (a) the words “whether or not for a consideration,” shall be omitted and shall be deemed to have been omitted with effect from 1<sup>st</sup> day of July, 2017.

Jagat B. Rai (SSJS)  
L.R-cum-Secretary  
Law Department